

**Minutes of the
Agriculture, Natural and Cultural Resources Element Subcommittee**
Thursday, June 23, 2005

Jim Siepmann, Chairperson, called the meeting to order at 9:06 a.m.

Subcommittee Members Present

- Jim Siepmann – Comprehensive Development Plan Advisory Committee Representative
- Ellen Gennrich - Waukesha County Land Conservancy
- Elaine Kraut - Town of Summit Park Board, Mineral Extraction Industry
- Tom Oberhaus - Town of Delafield Plan Commission, farmer
- Bob Bartholomew - Town of Vernon Plan Commission, farmer
- Barb Holtz - Town of Mukwonago Board, farmer
- Bob Miller – Farmer/Town of Oconomowoc
- Bill Kolstad - City of Brookfield Parks Department
- Jeff Herrmann - Comprehensive Development Plan Advisory Committee Representative

Subcommittee Members Absent:

- Bruce Kaniewski - Comprehensive Development Plan Advisory Committee Representative
- Steve Schultz - Ruekert and Mielke
- Don Reed – Southeastern Wisconsin Regional Planning Commission
- Beth Leonard - City of Delafield Park and Recreations Commission
- Paul Sandgren - Wisconsin Department of Natural Resources
- Rob Fox – UW/Extension Agricultural Agent

Staff Contacts:

- Dale Shaver, Director - Waukesha County Department of Parks and Land Use
- George Morris, Environmental Health Manager, Waukesha County Dept. of Parks and Land Use
- Richard Mace, Planning and Zoning Manager - Waukesha County Department of Parks and Land Use
- Kathy Moore, Senior Planner - Waukesha County Department of Parks and Land Use
- Sandy Scherer, Senior Planner - Waukesha County Department of Parks and Land Use
- Don Dittmar, Land Information Systems Manager
- Jim Kavemeier, Parks System Manager, Waukesha County Department of Parks and Land Use
- Mike Radomski, Environmental Health Supervisor
- Mark Mader, Legislative Policy Advisor
- Perry Lindquist, Land Conservation Manager

Other Interested Parties

- Pamela Meyer, Friends of the Mukwonago River
- Bob Schowalter, Town of Oconomowoc Resident

Public Comment

None.

Approval of the December 9, 2004 and February 3, 2005, Minutes

- *Mr. Kolstad moved, seconded by Mr. Bartholomew and carried unanimously, for approval of the December 9, 2004, Minutes, as corrected.*

- *Mr. Kolstad moved, seconded by Mr. Bartholomew and carried unanimously, for approval of the February 3, 2005, Minutes, as corrected.*

Regional Water Quality Management Planning – Bob Biebel – SEWRPC

Mr. Biebel (from SEWRPC) explained his presentation would be regarding a planning effort, which is related to water supply planning. He pointed out that SEWRPC is working on an update to the original Regional Quality Management Plan (prepared in 1979) including sewer service areas and environmental corridor protection. The original plan was intended to identify surface water pollution abatement measures needed to achieve fishable and swimmable waters. The primary purpose was to look at the most cost effective ways to abate pollution from both point and non-point sources of pollution. Revision of the three major elements of the original plan includes the land use plan and point and nonpoint source pollution abatement elements. There will also be an addition of a groundwater protection element (groundwater management). Issues and challenges with the update include, diversity of study area, developing a cost-effective reduction level for point and nonpoint source pollution, urbanization and its historic and future impacts of water resources and the need for mitigation and implementability issues in times of scarce resources. Another challenge is the integration of Regional Water Quality Management Planning with Land Use and Comprehensive “Smart Growth” planning. He suggested, ways to accomplish it may include utilizing consistent objectives and standards for Land Use, Agricultural and Natural Resource Base protection, integrating important water quality considerations into the Comprehensive Plan, establishing land use patterns, recognizing the relationship of surface water and groundwater, preserving important groundwater recharge areas, promoting local zoning to protect areas most susceptible to groundwater contamination, promoting low impact and other development patterns and storm water management practices which maintain the natural hydrology and protect water quality, consider limiting development densities to minimize impacts on very high value water resources, promote implementation of public utility sewage treatment plant and sewer service area recommendations in the regional water quality management plan and promote implementation of nonpoint source control recommendations in the regional water quality management plan and NR 151 and DATCP 50 for urban and rural areas. The timeframe for finalizing the Regional Water Quality Management Plan update is late 2006/early 2007.

Nonmetallic Mineral Extraction Adjoining Land Buffer Recommendation

Mr. Shaver pointed out when the Subcommittee was initially formed, one issue to be addressed was the continued issue of conflicting land uses, particularly as it relates to quarry/sand and gravel operations. He indicated that several years ago the County Executive created the Mineral Extraction Advisory Committee (MEAC), which contained individuals from the extraction industry, local elected officials and citizens impacted by living in close proximity to those types of operations. The intent of the Advisory Committee was to look ahead at issues or emerging issues relating to gravel and extraction in Waukesha County, and if the group could assist local units of government and business entities in minimizing potential conflicts. Over the years the Committee has met with the municipalities in the County and developed a process to address neighbor complaints. The MEAC has been asked to discuss whether there should be an implementation suggestion in the proposed development plan to create buffers between emerging residential development and the gravel operation (temporary use).

Ms. Leair, Chairperson, MEAC, said the Department of Parks and Land Use - Land Conservation Division checked with the American Planning Association to see if there were any newly recommended buffering standards and there were none. A nationwide e-mail was sent throughout the non-metallic mining industry requesting recommended buffers. She discussed the responses of the six states, which responded to her e-mail. The MEAC buffering recommendations are as follows:

- The creation of a Mineral Extraction Notification Overlay District, which extends 1.0 mile from the property lines of nonmetallic mining operation. Notification would be required to appear on new plats and/or newly developed lands.
- A minimum 200 to 250 ft. setback on nonmetallic mining operations and adjoining properties. Landscape berms or buffers and vegetative screening could be provided for, in the zone. In any event, the minimum setback should be no less restrictive than local ordinances require.
- It is recommended that new water wells drilled on property immediately adjacent to nonmetallic mining operations be constructed to minimize the impacts that non-metallic mining may have on them.
- Planning for areas around nonmetallic mining operations should encourage compatible land uses. Compatible land uses would include, but are not limited to: manufacturing, heavy industrial, light industrial, public recreation, open space and other public facilities.

A member of the Subcommittee asked if the disclosure would apply to new plats only or would it include existing plats. Ms. Leair replied, that she was unsure said it could possibly be a legal issue if there was no Deed Restriction and the plat was previously recorded. However, she felt neighboring property owners should be notified. Mr. Mace, Planning and Zoning Manager suggested distinguishing between rock quarry operations vs. sand and gravel operations when establishing a buffer to notice neighboring properties. Ms. Leair said, that the issue has been discussed. It was felt a 250' buffer for non-blasting operations and 1,500' for blasting operations was sufficient. She felt there should be minimum standards, however, the communities could increase them if they felt it was necessary. Mr. Shaver said at the end of Chapter 3, there would be a set of recommendations for implementation. At that time, the Subcommittee could decide if the concept of an Overlay District, buffers, etc. is acceptable. The MEAC or the Staff could refine what the implementation should contain. Mr. Mace said the word "drilled" in the third recommendation be changed to "installed" and the wording "immediately adjacent" should be changed. Mrs. Gennrich suggested that "agriculture" be added to the list of compatible land uses in the fourth recommendation. Ms. Leair suggested that Mr. Halquist, from Halquist Stone speak to the Subcommittee (at the next meeting) with regards to a situation in Lannon concerning high density apartments or condo's located directly across the street from an existing quarry.

Discussion of Outline of Chapter 3, Including Planning Standards for Agricultural, Natural and Cultural Resources Element

Mr. Shaver said the goal of this Subcommittee is to draft Chapter 3 of the Development Plan for Waukesha County. Components include the general introduction, planning objectives and standards, soils, topography, implementation recommendations and the conclusion.

The Subcommittee suggested the following changes/additions for Chapter 3:

- Add the wording "Isolated Natural Resource Areas" to the title of Table 3-1 on Page 2.
- Under Residential Development (at the bottom of Page 2) clarify if the wording "upland environmental corridors" includes isolated and primary environmental corridors.
- In Table 3.1, under "Woodlands", playfields, hard surface courts, parking lots and buildings other than residential should not have an "X" next to them.

- Under Residential Development (at the bottom of Page 2) add sentence stating, “If the structure is within the PEC, the minimum lot size would remain five acres.”
- Under Residential Development (top of Page 3) add wording with regards to conservation subdivision designs if the outlot area is not given to a local unit of government and is there a desire to have a maintenance requirement to preserve PEC. Mr. Shaver said that often there are Deed Restrictions or Preservation Statements placed on the Plat.
- Under Other Environmentally Sensitive Areas-Standards, (b) after the word “preserved” add the wording “in permanent open space” at the end of the sentence.
- Ms. Anderson, from SEWRPC submitted refinements in terminology and noted the changes would be inserted into the text of the Chapter and Subcommittee would review the changes.

There was discussion regarding the standard for Objective No. 2, Prime Agricultural Lands (Page 5, a) and the standard for Objective No. 3, Preservation of Natural Resources (Page 7, a). Mr. Shaver noted the 10-mile service radius for a County Park was changed to 4 miles in (a). Letter (c) was added to clarify roles of the County vs. the municipality. Letter (e) was also added, containing text from a County Development Plan amendment from 2003, regarding greenways and the purpose of greenways.

Objective No. 4 (Page 7), is a new objective regarding spatial distribution of land uses and specific site development designs, which protect or enhance surface and groundwater resources of the County. It was suggested (Page 8, b) the words “to the extent practicable” at the end of the sentence be removed. It was also suggested to add text regarding a standard for the conservation of groundwater.

Due to time constraints it was decided to continue the discussion at the next meeting.

Meeting Times and Dates

Mr. Shaver suggested the next Subcommittee meeting be held on Wednesday, August 3, 2005, from 9:00 a.m. to 11:00 a.m. at Retzer Nature Center. Topics for the next meeting may include:

- Text for Chapter 3

Mrs. Kraut moved, seconded by Mrs. Holtz and carried unanimously, to adjourn the meeting at 11:20 a.m.